

4 APRIL 1947

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of
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4 APRIL 1947

I N D E X
Of
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
1767-A	2406		Telegram from General HAYASHI to DOHIHARA, Kenji dated 13 October 1931 - Telegram No. 963	19384	
1767-B	2407		Telegram from General HAYASHI to DOHIHARA, Kenji dated 17 October 1931 - Telegram No. 1013	19384	
266	2408		Affidavit of KAWABE, Torashiro		19394
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1 Friday, 4 April 1947

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3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 - - -

17 (English to Japanese and Japanese
18 to English interpretation was made by the
19 Language Section, IMTFE.)
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TAKEDA

CROSS

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA, MATSUI and TOGO, who are represented by
5 counsel. The prison surgeon of Sugamo Prison certifies
6 that the accused MATSUI and TOGO are too ill to attend
7 the trial today. The certificates will be recorded
8 and filed.

9 Mr. Mattice.

10 - - -

11 H I S A S H I T A K E D A, called as a witness
12 on behalf of the defense, resumed the stand and
13 testified through Japanese interpreters as follows:

14 MR. MATTICE: It appears to the defense, if
15 the Tribunal please, that the instrument from which
16 counsel is reading and making reference to ought to be
17 marked for identification and made available for in-
18 spection by the defense. We ask that that be done.

19 THE PRESIDENT: We will insist upon that at
20 some stage or other. This is just the way to destroy
21 the surprise element in letters -- to require the
22 immediate tendering of the document. As far as I am
23 aware, the leading example of the effectiveness of
24 letters in cross-examination was that of Sir Charles
25 Russell in the Pigott forgery case and he did not

1 tender the letters until he had completed the cross-
2 examination; but we will insist upon that document
3 being tendered for identification when Mr. Carr has
4 completed his cross-examination.

5 I may say that the American practice, as
6 stated by Colonel Warren yesterday, is accepted in
7 Wigmore as being the practice although it is not
8 approved apparently by the American Bar Association;
9 but I should make it clear that Colonel Warren did
10 state correctly the American practice which differs
11 from the British.

12 MR. COMYNS CARR: Your Honor, we have not
13 the slightest objection to tendering the document.
14 The position is, we can tender the Japanese but the
15 translation has not yet been completely copied and
16 if the Japanese version -- original -- is marked for
17 identification we will be glad to be allowed to con-
18 tinue to use it in order to complete the processing
19 of the document. I have sent for the Japanese, your
20 Honor; whether it will be in court by the moment I
21 complete my cross-examination -- I have only one or
22 two more questions -- I am not quite sure.

23 CROSS-EXAMINATION

24 BY MR. COMYNS CARR (Continued):

25 Q General TAKEDA, as I understand from your

TAKEDA

CROSS

1 affidavit you deal with the period down to the 4th
2 of February 1932; is that right?

3 A Yes.

4 Q And during all that time, according to you,
5 General HONJO was engaged in trying to localize the
6 affair and avoid further advances?

7 A That is what I said.

8 Q In doing that was he carrying out the orders
9 of the Japanese Government?

10 A He handled matters, not on the instructions
11 of the Japanese Government, but at the orders of the
12 Chief of the Army General Staff. At times General
13 HONJO himself handled matters in order to localize
14 the affair within the scope of the authority delegated
15 to him but as to fundamental policy he followed the
16 orders as communicated to him by the Chief of the
17 Army General Staff.

18 Q But didn't you tell us at page 12 of your
19 affidavit this: "But now that the Government had
20 definitely adopted the policy of localizing the affair,
21 the Commander of the Army had to be most deliberate
22 in making decisions"? Didn't you say that?

23 THE MONITOR: Just a moment, please. We are
24 still interpreting. We cannot find the corresponding
25 passage in the Japanese version. We want to be specific;

TAKEDA

CROSS

1 we don't want to take any chances.

2 MR. COMYNS CARR: All right.

3 A As the situation in Kirin became extremely
4 acute the absolute necessity of protecting the South
5 Manchuria Railway was an authority delegated to the
6 commanding general of the Kwantung Army.

7 Q Now would you mind answering my question?
8 Did you not state in your affidavit that the General
9 was endeavoring to carry out the orders, the decision,
10 of the Japanese Government?

11 A Yes, I have so testified in my affidavit.
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TAKEDA

CROSS

1 Q Well, now then, do you know that according
2 to the accused ARAKI's statement, exhibit 188-C,
3 the Japanese Government had decided as early as
4 the 17th of December that the whole of the four
5 provinces, that is the three northeastern provinces
6 and Jehol, should be occupied by the Kwantung Army?

7 A I do not know that.

8 Q And further he told us that he had himself
9 signed an order to that effect?

10 A I do not know.

11 Q Do you want this Court to believe that
12 General HONJO was so anxious not to extend this
13 campaign that he disobeyed the orders of the War
14 Ministry to do so?

15 A There has been no case of any disobedience
16 to the orders of the central army authorities.

17 MR. COMYNS CARR: That is all I have.

18 MR. BANNO: No redirect examination, your
19 Honor. May the witness be permitted to leave the
20 court on the usual terms?

21 THE PRESIDENT: Captain Brooks.

22 MR. BROOKS: If the Tribunal please, I
23 think we should reserve the right to redirect upon
24 the document being produced here. We may want to
25 examine into the questions on this document and

TAKEDA

1 THE PRESIDENT: They are insisting on
2 the application of the Federal rule in America,
3 which I understand is also the Canadian rule.

4 MR. COMYNS CARR: In any event, your
5 Honor, as I was not in a position to put the
6 document to the witness as a document, it not
7 being his document, in my submission there is no
8 obligation upon me to produce the document or
9 show it to the defense before I use it; nor
10 had they any right to re-examine upon it, in my
11 submission, as a document. They can re-examine
12 upon the facts as put to the witness.

13 I have it now -- or rather I have them,
14 because what I was putting was sentences from
15 two documents, and we have no objection to their
16 being marked for identification providing, as a
17 matter of convenience, we can have them back to
18 complete the translation. But in my submission
19 that gives the defense no right to postpone their
20 redirect examination.

21 THE PRESIDENT: However, the witness is
22 released on the usual terms and will be recalled
23 if necessary in the interest of a fair trial.

24 (Whereupon, the witness was
25 excused.)

1 have some redirect questions on that.

2 THE PRESIDENT: He is released on the
3 usual terms. If necessary in the interest of a
4 fair trial he will be recalled.

5 MR. BROOKS: I understand that the prose-
6 cution will put in this document as soon as it has
7 been processed. In the future, your Honor, I would
8 like to suggest that as a matter of orderly pro-
9 cedure it would give us a lot of protection if
10 the document is first identified. Then we would
11 know that it is processed, and we would have a
12 chance to examine it during cross-examination and
13 be ready for redirect examination at the finish.

14 MR. COMYNS CARR: May I point out, your
15 Honor, that the defense are trying to have it
16 both ways. Yesterday they objected quite properly
17 to my using the document as a document because the
18 witness was not able to identify it, not having
19 been a party to it. They pointed out, your Honor,
20 that I was only entitled to put to the witness the
21 facts contained in the document and not the document
22 itself because it was not his document.

23 THE PRESIDENT: I do not think they con-
24 ceded even that much, Mr. Carr.

25 MR. COMYNS CARR: Perhaps not conceded, but --

1 THE PRESIDENT: Captain Brooks.

2 MR. BROOKS: Mr. President, the two docu-
3 ments that have been presented are not tied into
4 the record in the question that was asked, and that
5 is why I have suggested that if this document had
6 been presented he could have asked the questions
7 and told what exhibit number he was asking from,
8 and we could tell from the record, then, later on.
9 As it is now, we cannot find it out. I did not
10 mean that the document should be identified by the
11 witness. I mean it should be identified by the
12 Court so that we could know what the witness is
13 having presented to him.

14 THE PRESIDENT: If he comes into the
15 box again we will insist on that for our own
16 information.

17 MR. BROOKS: The other point that I have
18 in mind, in answer to the counsel, was that when a
19 document has been identified to the Court for the
20 questioning of the witness we should have it to
21 check the authenticity and source of the document
22 that the prosecution intends to use for cross-
23 examination, so that we may properly re-examine upon
24 the same document if we see it necessary.
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THE PRESIDENT: Everything has been done to date that justice requires. I think we will terminate this discussion.

CLERK OF THE COURT: Prosecution document No. 1767-A will be marked exhibit 2406 for identification only, and prosecution document No. 1767-B will be marked exhibit 2407 for identification only.

(Whereupon, document No. 1767-A was marked exhibit 2406 for identification, and prosecution document No. 1767-B was marked exhibit 2407 for identification.)

THE PRESIDENT: Mr. Mattice.

MR. MATTICE: At this time, if the Tribunal please, the defense offers the affidavit of ISHIHARA, Kanji, defense document 886. However, the affiant maker of this affidavit is not present.

There has been processed and distributed the certificate of HATSUMI, Kichiro, doctor of medicine, under defense document No. 889. Doctor HATSUMI is the chief of the Suginami surgery, Suginami Ward, Tokyo. I will not read the whole of the affidavit, but it certifies that this individual has what is called in medical terms vesical papilloma of the bladder and degenerated cancrroid

1 papilloma.

2 THE PRESIDENT: Give us the last paragraph.

3 MR. MATTICE: The last paragraph at the
4 bottom of page 2:

5 "After the operation"--

6 THE PRESIDENT: The last paragraph is treat-
7 ment, on page 3, Mr. Mattice. That is what I mean.

8 MR. MATTICE (reading): "There are signs
9 of cerebral anaemia and hematuria when the patient
10 moves. I admit that it will be difficult for him
11 to walk or stand erect, not to mention a train trip.
12 I admit that he must be kept a strict bed-patient
13 till next August. His appearance in court would be
14 naturally impossible."

15 This affidavit was executed on March 20,
16 1947. Now, if the Tribunal please, as naturally we
17 desire to present the evidence of this witness by
18 affidavit at this time, and as from the affidavit
19 it appears that it will not be likely that the wit-
20 ness can be in court for at least sometime in the
21 future, we now offer in evidence defense document
22 886, the affidavit of ISHIHARA, Kanji.

23 THE PRESIDENT: Brigadier Quilliam.

24 BRIGADIER QUILLIAM: May it please the
25 Tribunal, the position of this affidavit is in cer-

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1 tain respects different from the position in connec-
2 tion with the affidavit of the witness SHIMAMOTO
3 which was before the Tribunal yesterday. It must
4 be conceded that the medical certificate is more
5 complete in this case and that if accepted, the
6 witness will be unable to attend for some time.
7 But it is submitted that the principles mentioned
8 by Mr. Tavenner yesterday in the SHIMAMOTO case
9 apply with equal force to this affidavit.

10 This man has undoubtedly played a very
11 important part in Manchurian affairs. He was
12 staff officer in charge of operations with the
13 Kwantung Army in September, 1931. He was connected
14 with various important organizations in Manchuria,
15 which materially concern these proceedings. Testi-
16 mony already given in this case both on behalf of the
17 prosecution and of the defendant directly involve
18 ISHIHARA. The prosecution held an affidavit, another
19 affidavit, made by ISHIHARA last year.

20 For all these reasons it is considered most
21 important that if it is at all practicable this man
22 should be subjected to cross-examination. I will
23 not repeat the matters mentioned by Mr. Tavenner
24 yesterday, but I desire to make the following sub-
25 mission: It is respectfully submitted that in the

1 circumstances the Tribunal should give directions
2 for an independent medical examination of this man
3 to be made. It is suggested that this course is
4 necessary in order that the Tribunal may be properly
5 informed about this very important matter.
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1 It is further submitted that no hardship
2 could be caused by postponing the reading of this
3 affidavit until the report of such medical examination
4 is received. It is therefore submitted that the
5 affidavit should not be read at this stage.

6 THE PRESIDENT: It is a difficult thing,
7 perhaps, for any tribunal to have to decide as
8 between doctors where the issue involves removing
9 a person supposed to be seriously ill; but the
10 Charter gives us power to take evidence on commission.
11 We could appoint an officer to take evidence. The
12 Charter contemplates the appointment of an officer,
13 but it does not preclude the appointment of a
14 Member of the Court, which I think we would prefer
15 if we decide on a commission. On a commission there
16 could be cross-examination.

17 Well, the judges favor a commission in this
18 case to be taken by one of the judges. We realize
19 his evidence is of the greatest importance.

20 BRIGADIER QUILLIAM: My learned friend, Mr
21 Mattice, and I, if it please the Tribunal, respect-
22 fully suggest that the details of the commission
23 should be worked out in Chambers.

24 THE PRESIDENT: That is the usual practice.
25 There are long commissions and short commissions, and

1 there is a lot of work involved in either. I suppose
2 a short commission would suffice here.

3 BRIGADIER QUILLIAM: I should imagine it
4 would, if it please your Honor.

5 MR. MATTICE: I assume, if the Tribunal
6 please, that such examination would be one de novo
7 and the affidavit not read now.

8 THE PRESIDENT: Well, that will have to
9 be worked out. If he were here, we would accept
10 his affidavit. At some stage or other the whole
11 of the evidence taken by the commission would have
12 to be read and translated in Court.

13 I think the judges would prefer the affi-
14 davit to be read on commission and the whole of
15 the proceedings on the commission read again here
16 and translated to conform to the Charter. The
17 commission should be issued and executed almost
18 immediately, Mr. Mattice.

19 MR. MATTICE: Very well, sir. If done so,
20 we might still have it ready and presented in time
21 to take it in order, that is, in this section of
22 this division.

23 MR. BROOKS: If the Court please, I would
24 like to be heard. I have an objection to make to
25 the procedure. The objection I have is this, your

1 Honor. Our defense forces are rather small.

2 THE MONITOR: Mr. Brooks, will you kindly
3 speak into the microphone, please. We are having
4 terrible difficulty in hearing this morning.

5 MR. BROOKS: If the commission is appointed
6 and the affidavit is read before the commission,
7 it will have to be reread again before this Tribunal.

8 THE PRESIDENT: I have already said so twice.

9 MR. BROOKS: In that instance, it will mean
10 that the work of the commission would take much longer.

11 THE PRESIDENT: We will take the matter on
12 Monday, which is a holiday.

13 MR. BROOKS: I am thinking, your Honor,
14 of several other witnesses that would fall in the
15 same category; and if we set this precedent, most
16 of our defense would be busy on commission work when
17 there is other work going on in this Court. That
18 is why I am asking to be heard.

19 THE PRESIDENT: You cannot set up a court
20 as big as this in a hospital or in a room in a
21 hospital.

22 MR. BROOKS: May I be heard further, your
23 Honor? If we can have these affidavits read before
24 the Court here, the prosecution can limit the amount
25 of the cross-examination to that which is necessary,

1 and the Court has a chance to pass upon it, and it
2 would save a great amount of time. And on some
3 of these cases where the affidavit is read before
4 the Court, it is possible that the prosecution would
5 only have one or two questions to ask and it would
6 limit the amount of work before that commission.

7 THE PRESIDENT: The defense have the affi-
8 davit. It is their affidavit. They know what is
9 in it. They know now what questions they would ask.
10 What disadvantage to you is it if it is not read
11 now in Court? You have read it, I suppose, more
12 than once already.
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1 MR. BROOKS: I have a drawer-full of these
2 affidavits, your Honor, that have been so close off the
3 press I haven't had a chance to read them and I can't
4 be here in court and look after the interests of my
5 client and before a commission too. Many of the other
6 counsel are in the same position, and if we have that
7 affidavit read before the Court, we don't know whether
8 we should attend the commission and be ready to put
9 any other questions on it; and that is the reason
10 I am bringing this point up.

11 THE PRESIDENT: In other words we are to
12 waste the Court's time in order to save time for the
13 defense. We do not take that attitude.

14 MR. BROOKS: I don't see how it can waste
15 the Court's time, your Honor, because it has to be
16 read in the future and we have to read these proceedings
17 each day.

18 THE PRESIDENT: The commission will issue
19 today or tomorrow and the evidence will be taken on
20 Monday in the hospital.

21 MR. MATTICE: The defense will now call the
22 witness, KAWABE, Torashiro.
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KAWABE

DIRECT

1 MR. MATTICE: If the Tribunal please, I have
2 just been informed about a matter I did not know about
3 before. The witness ISHIHARA is not in Tokyo, but
4 he is at a point some 300 miles from Tokyo, and,
5 knowing something about the difficulties of travel
6 and the obtaining of orders for travel, I am certain
7 that that being the case, we could not take this
8 examination on Monday.

9 THE PRESIDENT: Is it possible to take the
10 train or a plane to that place?

11 MR. MATTICE: I am not informed as to that
12 and will have to make inquiry.

13 - - -

14 T O R A S H I R O K A W A B E, called as a witness
15 on behalf of the defense, being first duly sworn
16 testified through Japanese interpreters as follows:
17

18 DIRECT EXAMINATION

19 BY MR. MATTICE:

20 Q You may give your name and address to this
21 Tribunal, please.

22 A My name, KAWABE, Torashiro; my address is
23 460 Azao-machi Jindai Mura, Kita Tama gun, Tokyo.

24 Q What is your business or profession?

25 A I have no occupation. I am not engaged in
anything at the present time.

1 MR. MATTICE: The defense now offers in
2 evidence, if the Court please, defense document
3 266, which is the affidavit of the witness now
4 on the stand.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document No.
7 266 will receive exhibit No. 2408.

8 (Whereupon, the document above re-
9 ferred to was marked defense exhibit No. 2408
10 and received in evidence.)
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KAWABE

DIRECT

1 MR. MATTICE: (Reading) "I, KAWABE, Torashiro,
2 was a member of the Second (operations) Section of the
3 General Staff from December, 1922 (11th year of Taisho)
4 till 1925 (14th year of Taisho). I was again a member
5 of the same Section from April, 1929 (4th year of Showa)
6 till January, 1932 (7th year of Showa) and during this
7 period encountered the outbreak of the Mukden Incident
8 in September, 1931 (6th year of Showa). Later my
9 duties were changed to those of troop disposition at
10 the Central Command, so I shall make a statement about
11 matters concerning troop disposition at the Central
12 Command from the time previous to the incident to the
13 time of my leaving office, according to what I remember.

14 "I. Outlook of the Central Command on a world-
15 wide Basis on the International Situation prior to the
16 outbreak of the Manchurian Incident.

17 "The Central Command, due to its appointed
18 task of working out of troop disposition for national
19 defense, had to keep constant observation of the current
20 outlook. Moreover, since there was a military and
21 naval disarmament problem of world-wide scope, at the
22 time I was on duty with the General Staff, the Central
23 Command was keenly investigating the international
24 situation to determine a basis for Japanese armaments."

25 THE PRESIDENT: Mr. Mattice, when you were

KAWABE

DIRECT

1 introducing this matter I was talking to my associate
2 and I don't know now whether this affidavit was shown
3 to him and whether he identified it as his.

4 MR. MATTICE: I believe not.

5 THE PRESIDENT: A vigilant colleague said it
6 was not.

7 BY MR. MATTICE (Continued):

8 Q Mr. Witness, will you examine the instrument
9 which has been handed you which is marked defense
10 document 266 and tell this Tribunal whether that is
11 your affidavit?

12 A This is my affidavit.

13 Q You signed it?

14 A Yes.

15 Q Are the matters and things set forth in it true?

16 A Yes.

17 THE PRESIDENT: We will recess for fifteen
18 minutes.

19 (Whereupon, at 1045, a recess was
20 taken until 1100, after which the proceedings
21 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE MONITOR: Just before the recess the
4 witness said "My statement is true. But, may I add
5 a word?"

6 THE PRESIDENT: Well, add a word; what is
7 it?

8 THE WITNESS: Yes, I stated the truth in my
9 affidavit, but I have some misgivings as to whether
10 or not my true feelings have been well expressed in
11 the English translation. My reason for so stating
12 is that the other day, when the defense explained to
13 me the English translation -- part of the English
14 translation of my affidavit, I found certain mistakes
15 which I then corrected. But, inasmuch as the entire
16 text was not explained to me, I have some misgivings
17 that there might be other passages which require cor-
18 rection. That is all I wish to state.

19 MR. MATTICE: I have assurance, if the Court
20 please, from Japanese counsel that the matters re-
21 ferred to by the witness are not of consequence, and
22 I have the notations made at the points in the affi-
23 davit referred to by the witness and shall call
24 attention to them as I will be reading them.

25 THE PRESIDENT: Mr. Comyns Carr.

KAWABE

DIRECT

1 MR. COMYNS CARR: Your Honor, with regard to
2 the point which the witness has taken, it is surely
3 undesirable that an English translation should be
4 read if the witness has reason to be apprehensive as
5 to its correctness.

6 THE PRESIDENT: He has pointed out some
7 errors of little or no consequence, according to Mr.
8 Mattice, and he may point out some similar errors.
9 Why postpone this proceeding until a correct English
10 translation is made, one that he agrees with? Why
11 do so?

12 MR. COMYNS CARR: If your Honor pleases, I
13 have another objection which I rose to take to this
14 affidavit. It is full of references to documents
15 which are neither produced nor is their absence in
16 any way accounted for. In our submission, a witness
17 is not entitled to give from his recollection the
18 contents of a document which should be available to
19 the defense or, alternately, they should be able to
20 tell us what has become of it. We thought it best
21 to raise this point at the beginning of the affidavit
22 rather than to interrupt over and over again when
23 reference to such document is reached.

24 THE PRESIDENT: We apply the rule that the
25 only way to prove the contents of a document is by

KAWABE

DIRECT

1 producing the document if it is available. That is
2 the only safeguard that we can state.

3 MR. COMYNS CARR: Yes, your Honor. But,
4 if that rule is applied to this affidavit, the affi-
5 davit would require almost complete redrafting.

6 THE PRESIDENT: We have to read it to dis-
7 cover that, unfortunately.

8 THE PRESIDENT: Mr. Mattice.

9 MR. MATTICE: I take it I need not reread
10 the two paragraphs which I read before. It will
11 appear in the transcript without rereading them?

12 THE PRESIDENT: I say with some confidence
13 that every word you have said in court today has been
14 recorded for the transcript.

15 MR. MATTICE (Reading):

16 "The general outlook of the Central Command
17 on the world situation around 1930 (5th year of Showa)
18 was as follows:

19 "1. The competition for world-domination
20 among the Western peoples, especially the European
21 powers, was brought to a conclusion with the First
22 World War. As a result of this, their energy which
23 had been directed towards East Asia on a world-wide
24 basis, whether by pushing forward through the conti-
25 nent or along the coast, had largely diminished, at

KAWABE

DIRECT

1 least for the time.

2 "2. Among the western peoples, this one
3 group" -- at this point, if the Tribunal please, the
4 witness' correction there is that he says he said
5 "the other group" instead of "this one group"; so
6 that, if corrected according to his notion, it would
7 read, "--- the other group, which crossed the Atlantic
8 and established a strong solid foundation in North
9 America, has been strengthening by leaps and bounds
10 its world-controlling activities, as a result of the
11 First World War, towards the Asiatic mainland cross-
12 ing the Pacific and, moreover, is continuing to do so
13 more and more.

14 "3. China, who, from the middle of the 19th
15 century, had been forced to place the greater part of
16 her national rights at the disposal of foreign count-
17 ries with slight or almost no resistance, is now dis-
18 posed, in response to the actual situation mentioned
19 in (1), to resist foreign advance and is developing
20 an enthusiastic tendency to recover her national
21 rights. Although she is now abstaining from such un-
22 qualified anti-foreign activities as were resorted to
23 in some areas of Middle and South China in 1926, this
24 tendency is by no means diminishing, but is increasing
25 especially in Manchuria, where it is being followed

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by the local war-lords.

1 "4. Japan, who gained a powerful position in
2 the international scene at comparatively small cost in
3 the First World War, is now laboring under active
4 reactionary pressure" -- the witness states that that
5 should be "laboring under various reactionary pres-
6 sures from the respective powers.

7 "II. The Central Command's National Defense
8 Outlook at the time.

9 "The Central Command, taking a general view
10 of the international situation as previously mentioned,
11 took consideration of Japan's national defense outlook
12 and position based on this as follows:

13 "1. As indicated in #1 of the previous
14 section, there was no danger of a direct clash between
15 Japan and Russia in the immediate future in connection
16 with the latter's policy towards East Asia, which has
17 traditionally," and the witness says it should read
18 "which had traditionally been a great threat to
19 Japanese national defense.
20
21
22
23
24
25

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1 "2. The inter-relation of (3) and (4) of
2 the previously given estimation would have made
3 it probable that Japan would be reduced to a passive
4 status difficult to bear. If, however, relations
5 between Japan and China were to become complicated
6 and if Japan's position were to affect too adversely
7 the policy of the United States towards China or in
8 the Pacific, there would be a possibility of this
9 developing into a war with both China and the United
10 States.

11 "3. If such a war as the above were to
12 break out. Japan. from the standpoint of national

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13 strength, would have very little prospect of seeing
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15 "4. The Soviet Union of the time was a
16 young nation and was maintaining a passive attitude
17 in her foreign policy, but it was necessary to con-
18 sider the possibility that such a war as mentioned
19 above should break out and bring Japan to bay,
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2 her spirit of vengeance for the Russo-Japanese War
3 of 1904-1905. If, in this manner, it becomes a
4 war where we have these three nations as opponents,
5 Japan's chance prospects of seeing the war through
6 would become increasingly slim.

7 "5. That above conclusions having been
8 reached, we had to anticipate a war which would
9 spread without a doubt to several nations, leading
10 to a situation beyond our control if a large-scale
11 military clash should arise between Japan and China.

12 "As the Central Command had arrived at the
13 above conclusion, we made plans for national
14 defense aiming at the maintenance of our existing
15 rights and put the minimum of our defense power on
16 the continent of Asia. Moreover, within the limits
17 of my knowledge, I can not recollect a single person
18 in a responsible position in the Central Command who
19 advocated positively the adoption of active militaristic
20 measures against other countries or to claim any new
21 rights from China. On the contrary, every one had a
22 restrained attitude even towards the fervent trend
23 on the part of China to recover her rights.

24 "III. Troop Disposition Plans of the
25 Central Command at the Time.

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1 "As the Central Command had taken a
2 national defense outlook, as stated in the previous
3 section, their troop disposition plans were funda-
4 mentally very passive. They did not have any plans
5 made to fight against several countries at the same
6 time, but only a plan of troop disposition to fight
7 singly with China, the United States, or with the
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10 reason or another, they had expected their opponents
11 to be limited to but one nation by the use of
12 political or diplomatic measures."

13 MR. COMYNS CARR: Your Honor, this is the
14 first of the documents that I referred to. It is
15 quite clear, in my submission, that these plans
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18 this was carried out in May, 1930 (5th year of
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21 Shunroku, as Commander-in-Chief. And as for the
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24 a basic plan in anticipation of encounters on the
25 frontiers of South and North Manchuria and we were

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1 thinking of making a defensive stand in northern
2 Korea.

3 "IV. The Outbreak of the So-called
4 'Manchurian Incident' and the Central
5 Command's Counter-Measures.

6 "Not long after my taking office for the
7 second time with General Staff Headquarters, it was
8 a fact that circumstances in Manchuria had developed
9 to a situation where they were gradually arousing
10 the concern of the Central Command. The anti-
11 Japanese policy in Manchuria, the center of which
12 was the Mukden regime, was getting more and more
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18 tions between the Soviet Union and the Mukden
19 regime since the summer of 1929 (4th year of Showa).
20 Accordingly, this fact gave the Central Command an
21 uneasy feeling that the Mukden regime might, imposing
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1 attention and vigilance towards Manchuria than
2 theretofore, but this neither included any amend-
3 ments in their troop disposition plans against China
4 nor in their relations towards Manchuria too did
5 it differ from heretofore, but --"

6 And the witness there desires substituted
7 for the word "but," "that is to say."

8 " -- to protect the rights of the South
9 Manchurian Railway and those in the adjoining areas,
10 and to safeguard the Japanese residents in these and
11 other important areas such as the Chinntao district
12 or the city of Harbin, where many Japanese resided.
13 And in order to fulfill this program, the Central
14 Command set a basic plan to the Kwantung and Korean
15 armies, and ordered the two armies to make detailed
16 plans according to it. There was included the
17 consideration of reinforcing the former army by the
18 latter.

19 "V. Duties Imposed Upon the Kwantung Army
20 and Its Troop Strength etc.

21 "The duty given the Kwantung Army by the
22 Central Command at the time was 'to defend our
23 leased territory of Kwantung-Chow and to protect
24 the South Manchurian Railroad which belonged to our
25 country.' The Central Command from the days of

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1 peace had ordered the commander of the Kwantung Army
2 to set up a plan to cope with any emergencies, and to
3 have our troops occupy and defend the important areas
4 along the South Manchurian Railroad, in the event that
5 it became necessary for Japan to resort to arms in
6 Manchuria.

7 "Moreover, it is said that for the purpose
8 of protecting the South Manchurian Railroad 15 men per
9 one kilometer were allowed for disposition. This
10 right, which Russia previously held, was succeeded to
11 by Japan on the basis of the Sino-Japanese treaty,
12 and for protection of the approximate 1,000 kilometer
13 length of the railway Japan had the right to station
14 15,000 men. In 1931, however, our troop strength in
15 Manchuria was the 'Independent Garrison Force' under
16 Major General MORI, which was exclusively assigned to
17 guarding of the railway, having the strength of 6
18 battalions totaling four thousand and several hundred
19 men, and also the Second Division, having approximately
20 5,500 men, under Lieutenant General TAMON, which was
21 stationed in Kwantung-Chow, south of Liaoyang. The
22 total of these two, amounting to an approximate
23 strength of 10,000, was under the command of Lieu-
24 tenant General HONJO, the then commander in chief
25 of the Kwantung Army.

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"VI. The Situation in the Central Command at the Time of the Outbreak of the Mukden Incident.

"From spring to autumn of 1931 (the 6th year of Showa), disagreeable incidents between Japan and China such as the Wanpaoshan Incident and the Captain NAKAMURA Incident had occurred one after another in Manchuria and the Central Command foresaw that the situation was going from bad to worse, but they did not have a presentiment that in the near future such a great incident would break out as would require momentous activity on the part of the Central Command. On the night of September 18 however the Mukden Incident suddenly broke out.

"I shall mention the situation that existed in the Central Command (for three or four days about the time of the outbreak of this incident) based on my memory and according mainly with my own activities as follows:

"(1) Early in the morning of September 19, I myself learned of the outbreak of the incident in the vicinity of Mukden from the morning newspapers at home at the time. I had no telephone at home and living in the suburbs of Tokyo I was not able to catch a taxi so early in the morning, so I went to the office by tram car the same as usual only

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1 somewhat earlier. It was a little past seven
2 o'clock when I arrived at General Staff Headquarters.
3 The office was quiet as there were few persons who
4 had arrived but I knew that my Section Chief,
5 Colonel IMAMURA had already come but was not able to
6 find him. A little later since, I learned that the
7 chief was conferring with some person in the reception
8 room for the use of the Chief of the General Staff.
9 I knocked at the door of the room to see him, but he
10 came out and said, 'Wait awhile' and then closed the
11 door, without listening to what I had to say. I
12 returned to my room and was preparing for urgent
13 business but we were short-handed as some of my
14 junior officers were absent on leave for personal
15 reasons. Around nine o'clock Section Chief IMAMURA
16 came to me with a happy look and showed me a slip
17 of paper on which several lines of characters were
18 written in pencil and said, 'The Vice-Chief of the
19 General Staff (Lieutenant General NINOMIYA, Harushige),
20 Chief of the Military Affairs Bureau of the Army
21 (Lieutenant General KOISO, Kuniaki) and others reached
22 this resolution after a deliberate investigation from
23 this morning.' The slip of paper read: Actuated by
24 this incident, the army expects to solve the Manchu-
25 rian problem. By 'solving the Manchurian problem' it

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1 is meant that Chang Hsueh-liang shall be expected to
2 fulfill present treaties to the letter.

3 "At this time Colonel IMAMURA explained to
4 me that at the foregoing conference, the leaders fell
5 in with the view that the actions of the Kwantung
6 army were admissible as exercising the right of self-
7 defence, but utmost care should be taken not to
8 spread out to the extreme within the realm of exercise
9 of military power. He told me further that since
10 Lieutenant General SUGIYAMA, Gen, the Vice War
11 Minister, was absent due to temporary illness
12 Lieutenant General KOISO had come in his place.

13 "(2) At the time Section Chief IMAMURA came
14 out of the conference room, I think about 9 o'clock,
15 I read the telegraphic report addressed to the Chief
16 of the General Staff from General HATASHI, Senjuro,
17 Commander of the Korean Army, and learned that a step
18 had been taken to dispatch to Manchuria a unit led by
19 a brigade commander chiefly consisting of five
20 infantry battalions in order to relieve the Kwantung
21 army near Mukden. I personally knew that the Kwantung
22 unit near Mukden was a small force and felt that the
23 step taken by the commander of the Korean Army
24 should be approved, and expressed my opinion regarding
25 this to my senior officer, but by the leaders of the

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1 General Staff, reinforcement of troops in Manchuria
2 was looked upon as an immediate occasion to widen
3 the incident and it was decided to order the commander
4 of the Korean Army to stop such action. They
5 immediately took measures to send a telegram to that
6 effect. Moreover, taking into account the time that
7 would be required for the commander's new order to be
8 transmitted to the troops under his command, acting
9 on the intention of the Central Command, the Vice
10 Chief of the General Staff issued the following order
11 by telegram to the Commander of the Military Police
12 Unit at Hsinichow on the south bank of the Yalu River:
13 'If any Korean Army Units should attempt to cross
14 the Yalu River, not knowing the orders prohibiting
15 the expedition, the intention of the Central Command
16 shall be conveyed in order to prevent any advance to
17 the north of Hsinichow.'

18 "By these steps on the part of the Central
19 Command, the dispatch of expeditionary forces from
20 Korea to Manchuria was prohibited.

21 "(3) As stated above the Central Command
22 was determined to prevent the incident from spreading.
23 Moreover at 10:00 a.m. the Government held an
24 emergency Cabinet Council and decided on a policy of
25 not allowing the incident to spread beyond its present

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1 proportions. The evening of the same day, the 19th,
2 the Central Command issued an order to stop the
3 spreading of the incident to the Commanders of the
4 Kwantung and Korean Armies.

5 "(4) On September 20, the Central Command
6 was watching the situation without taking any special
7 steps. In the evening of the 21st, however, the
8 Kwantung Army reported that they had dispatched a
9 part of their force to Kirin in order to rescue our
10 nationals resident there who were being suddenly
11 oppressed by the Chinese authorities there and were in
12 imminent danger. At the time another report came from
13 the Commander of the Korean Army that as he knew that the
14 force near Mukden was close to nothing with the dis-
15 patch of forces to Kirin, he judged that he should
16 help the Kwantung Army out of danger as soon as
17 possible, and ordered the detachment which had been
18 ordered to stay put, to be transported to Mukden at
19 his own discretion crossing the frontier.

20 "The Central Command recognized the steps
21 taken by the two armies in view of the actual state
22 of affairs in the districts affected as unavoidable and
23 requested the War Minister to have the expenditure
24 for the Korean Army's expedition sanctioned by the
25 Cabinet Council on the following day, the 22nd. On

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1 the 22nd, since the Cabinet under Premier WAKATSUKI
2 at its morning session, approved the expenditure, the
3 Chief of the General Staff submitted it to the
4 Emperor for an ex post facto approval. I remember
5 this petitioning to the Emperor by the Chief of the
6 General Staff as to have been made at about 10:30 a.m.
7 of the 22nd and I heard it was to have taken place
8 immediately after Premier WAKATSUKI's report to the
9 Emperor on the Cabinet's decision.

10 "(5) Thus this problem of dispatching troops
11 from Korea was settled for the time being and the
12 Central Command deemed that this action of the
13 Kwantung Army of sending troops to Kirin had brought
14 military actions in Manchuria to a close. They
15 further ordered that the military force dispatched to
16 Kirin should be evacuated to the zone along the lines
17 of the South Manchurian Railway as soon as the situation
18 subsided. In order to check any further action of the
19 Kwantung Army, on the evening of September 22, they
20 sent the following telegram to the Commander of the
21 Kwantung Army: 'We now deem military action in
22 Manchuria to have for the most part fulfilled its
23 purpose and to have now reached a conclusion. Any
24 further action will have a close relationship with
25 our domestic and foreign policies, so be careful in

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1 considering matters and do not start new actions until
2 instructions from the Central Command are received and
3 then execute them.'

4 "VII. The Relationship of the Central
5 Command with the Intermittent Military Movements in
6 Manchuria. From the Above Time to the End of
7 January 1932 (7th year of Showa).

8 "I resigned my position with General Staff
9 Headquarters at the end of January, 1932 (7th year of
10 Showa). I shall relate the relationship of the
11 Central Command with the military movements within
12 Manchuria up to that time.

13 "(1) Following the outbreak of the Mukden
14 Incident, the situation was threatening in the terri-
15 tories of Chientao and Harbin, where many Japanese
16 people lived. The head of the Japanese Residents
17 Association in Chientao and the Chief of Special
18 Service Agencies in Harbin telegraphed to the Chief
19 of the General Staff demanding the dispatch of troops
20 for their self-defence several times, but the latter
21 did not respond to the above request for troops,
22 holding fast to the principle of not utilizing
23 military force on a widespread basis outside of the
24 adjoining areas of the Manchurian Railway. At the
25 same time, the Commanders of the Kwantung and Korean

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1 Armies were notified of this main point. Regarding
2 Harbin and the ardent demands of the vice-consul
3 there, the Commander of the Kwantung Army who was
4 then preparing to dispatch troops thereupon severely
5 restrained and put a stop to the matter.

6 "(2) Around the beginning of October,
7 Generals Ma Chan-Shan and Chang Hai-Pong of Manchuria
8 and China began to dispute over the rights of the Amur
9 River Province. Their forces confronted one another
10 along the Tao-Anganchi Railway over which we possess
11 influential rights. Ma's Army then destroyed the
12 railway bridge at Nonni River to stop Chang's northward
13 advance. For this reason the Manchurian Railway
14 Company commenced repairs on the bridge under the
15 protection of a small unit from the Kwantung Army.
16 At this time our troops received a sudden attack
17 from Ma's army and our troops had to fight bitterly in
18 the vicinity of Tahin. Thereafter the two armies
19 took the position of squaring off. The Central Com-
20 mand gave the Kwantung Army certain concrete stipu-
21 lations and began peaceful negotiations to have Ma's
22 army withdraw within a 10-day deadline but learning
23 that General Ma Chan-Shan was not willing to consent,
24 on November 17 the Central Command ordered the Commander
25 of the Kwantung Army to destroy Ma's army and on

1 accomplishing this mission to quickly withdraw to
2 the south. Accordingly after November 18th, several
3 battles took place in the vicinity of Tsitsihar and
4 Ma's troops were swept away.

5 "(3) After the conclusion of the above
6 hostilities and while the Kwantung Army was assuming
7 a course of Pacific action, several clashes
8 occurred between Sino-Japanese forces around Tientsin
9 in North China from around the 20th of November and
10 on the night of the 26th the two forces clashed again.
11 The garrison troops in China were extremely few in
12 number, and lacking in strength to defend itself,
13 requested reinforcements from the Kwantung Army. The
14 Commander of the Kwantung Army who received this
15 request fortunately felt inclined to take this
16 opportunity to settle the matter in the vicinity of
17 Tsitsihar and decided to rescue our troops in distress
18 and took the cause of having troops, who were in South
19 Manchuria, advance to a position west of the Liao
20 River, and also of having the troops in the vicinity
21 of Tsitsihar sent west of the Liao River. The Central
22 Command, however, who deemed the situation at Tientsin
23 as not so important and at the same time in accordance
24 with the policy of not allowing incidents to spread,
25 gave strict orders to the Commander of the Kwantung

KAWABE

DIRECT

1 Army on the afternoon of 27 November. 'Irrespective
2 of however the immediate situation may be, withdraw
3 completely the unit advanced to west of the Liao River
4 to a point east of the same river.' Complying with
5 these orders, the Commander of the Kwantung Army had
6 the entire strength of the dispatched troops returned
7 and assembled at Mukden during the night of the 28th.

8 "(4) Prior to this and after the outbreak
9 of the Mukden incident, General Chang Hsueh-liang who
10 was in North China had his military base set up in
11 Chinchou, had established there also and in October,
12 the Provisional Government of Mukden Province
13 successively concentrated his troops in the same area.
14 The Kwantung Army who received this information had
15 the air reconnaissance unit attached to them reconnoiter
16 this area on October 8th. In the midst of their
17 reconnoitering action, however, they received fire
18 from the ground and the air unit which was carrying
19 bombs of ten kilogram or thereabouts, (about the
20 caliber of mountain artillery shells) for self-defense
21 purposes, dropped several scores of these bombs on
22 the Chinese military barracks, the buildings of the
23 Chinese Provisional Government, and the like.
24
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KAWABE

DIRECT

1 "Receiving the report relating to this inci-
2 dent, the Central Command gave strict warning to the
3 Commander of the Kwantung Army, 'Even though it may
4 have been an inevitable action of self-defense at the
5 instant, extreme care shall be required in aircraft
6 activity at least over unarmed residential areas.'

7 "After the actions in the vicinity of
8 Tsitsihar and the withdrawal of the dispatched unit
9 from the western side of the Liao River, the Kwantung
10 Army was concentrating its efforts for securing peace
11 and order in all South Manchuria. For the reason
12 that the Chinchou bombing incident of the previous
13 section was propagandized way beyond actual facts to
14 the world, the military government of Chinchou gained
15 power from this and began active operations, and, fur-
16 thermore, successively concentrated large number of
17 troops in Chinchou. It became quite clear that they
18 were utilizing bandits incessantly in South Manchuria
19 scheming to disrupt peace and order along the Manchurian
20 Railway.

21 "When I actually went to Manchuria in the
22 latter part of December, I heard at the headquarters
23 of the Kwantung Army that the commander and his staff
24 officers were extremely concerned by the repeated vio-
25 lence along the South Manchurian Railroad by bandits

who maintained their base at Chinchou.

1 "I heard that the Japanese Government was
2 negotiating with the Nanking Government and also with
3 the Administrative Authority of Chang Hsueh-Liang
4 through diplomatic channels at Peiping to have the
5 military government at Chinchou withdraw to within the
6 Great Wall, but did not see the results of this
7 revealed.

8 "Furthermore, since the middle of December,
9 the regular army (TN: of Chang) came out of the vicinity
10 of Chinchou to a place near the South Manchurian Rail-
11 road and took a course of action in cooperation with
12 the bandits. With this, the Central Command, in order
13 effectively to carry out the subjugation of bandits
14 which was recognized as necessary at a conference
15 of directors of the League of Nations on December 10
16 previously, had the Kwantung Army reinforced with the
17 basic troop strength of two brigades under the command
18 of the Division Commander of the 20th Division newly
19 arrived from Korea from mid-December to later December,
20 and allowed the Kwantung Army to carry out the thorough
21 subjugation of bandits from all South Manchuria to the
22 west of the Liao River.

23 "Thereupon the Kwantung Army dispatched forces
24
25

1 to subjugate the bandits west of the Liao River.

2 This punitive force began its operations on December
3 28 and on the 31st was advancing to an area eastward
4 of Chinchou and on the left bank of the Taling River
5 when the Chinchou Military Government evacuated this
6 same area and our army entered the city of Chinchou
7 on January 3, 1932 (7th year of Showa) truly without
8 bloodshed. Thereafter the Kwantung Army deployed
9 its forces far and wide from the vicinity of Chinchou
10 to all of South Manchuria and gave its undivided at-
11 tention to the securing and maintenance of peace and
12 order.

13 "In the manner indicated above, conditions
14 in South Manchuria now indicated stability. In the
15 north, however, in the vicinity of Kirin and Harbin
16 from around the beginning of 1932 (7th year of Showa)
17 dissension in ranks of the troops (TN: Chinese) in
18 Kirin occurred and the anti-Japanese elements among
19 them plundered Harbin: committed outrageous acts such
20 as killing a Japanese and three Koreans, putting under
21 arrest a great number of Koreans, and so forth. Thus
22 a total of 5,500 Japanese and Korean residents were
23 exposed to extreme danger. At this time, on January 27,
24 an incident occurred where a military plane of ours
25 which was reconnoitering this same area received fire

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1 from the anti-Japanese forces and had to make an
2 emergency landing. Furthermore, the officer on board
3 was killed and the plane burned. Thereupon the Kwan-
4 tung Army, for the purpose of protecting the residents
5 in Harbin, and deeming it necessary for some forces
6 to be dispatched to this area, sought permission from
7 the Central Command. The Central Command approved
8 this. According to this our forces entered Harbin
9 at the beginning of February 1932 (2nd year of Showa)
10 and pursued their task of maintaining peace and order
11 in the area.

12 "The above are the general highlights of the
13 relation of our military movements within Manchuria
14 with the Central Command over a period of four months
15 from the time following the Mukden Incident up to the
16 time I left General Staff Headquarters towards the end
17 of January 1932 (7th year of Showa). During this
18 period following the Mukden Incident our military
19 movements were not consistent with a plan, but unavoid-
20 able to meet successive occurring incidental circum-
21 stances despite the Central Command's policy of not
22 allowing incidents to spread. Giving new orders for
23 military movements to the Kwantung Army could not be
24 avoided.

25 "VIII. Change of Personnel in Key Positions

of the Central Command.

1 "From around December 1931 (6th year of Showa),
2 as to the military movements in Manchuria it was no
3 longer expected that any new movements would be re-
4 quired and we saw successive changes of personnel in
5 the key positions of the Central Command. From my
6 position at the time I did not know of the reasons
7 for these changes of personnel in the key positions.
8 All I know is that at the time of my leaving General
9 Staff Headquarters at the end of January 1932 the
10 changes made were as follows:

11 "1. General KANAYA, Hanzo left the position
12 of the Chief of the General Staff and Prince KOTOHIKO
13 assumed the post.
14

15 "2. Lieutenant General NINOMIYA, Juji left
16 the position of Assistant Chief of the General Staff
17 and Lieutenant General MASAKI, Jinzaburo assumed the
18 position.

19 "3. Major General TATEKAWA, Yoshitsugu left
20 the position of Chief of the First Section of the
21 General Staff, and Major General FUKUSHO, Mikiro
22 assumed the position.

23 "4. Colonel IMAMURA, Hitoshi left the posi-
24 tion of Chief of the Second Branch of the General
25 Staff, and Colonel OBATA, Toshishiro assumed the position.

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1 "Because of this, on December 11th, the
2 WAKATSUKI Cabinet resigned, and General MINAMI, Jiro
3 who was the War Minister, left his position. On the
4 13th of the same month the INUKAI Cabinet, which was
5 formed, had Lieutenant General ARAKI, Sadao assuming
6 the position of War Minister."

7 Cross-examine.

8 MR. BROOKS: If the Tribunal please, in the
9 last paragraph "Because of this, on December 11th,"
10 I think is an error; it should be "by the way," and
11 I ask the Language Section to check that. I would
12 not want to cross-examine on it. I think it can be
13 cleared up in that manner.

14 CROSS-EXAMINATION

15 BY MR. COMYNS CARR:

16 Q General KAWABE, in which section of the
17 general staff were you serving in 1931?

18 A The first division of the general staff.

19 Q The first? Did you say the first?

20 A Yes, I said so.

21 Q Do you know that your affidavit says the
22 second?

23 A I said second section of the first division.

24 Q Your affidavit says the second operations
25 section of the general staff.

KAWABE

CROSS

1 A Section two is under division one, and it is
2 in charge of operations.

3 Q Who was the head of it?

4 A May I have the question repeated? I do not
5 understand it very well.

6 Q Who was the head of your section?

7 A Since August 1931 Colonel IMAMURA was chief
8 of the section.

9 Q And who was the chief of the first division?

10 A Major General TATEKAWA was director of the
11 first division.

12 Q How many people were there superior to you
13 in the division?

14 A In my division I think three or four.

15 Q Do you mean in your section or in the division?

16 A My division.

17 Q Was the accused General HATA, Shunroku a
18 member of the general staff at that time?

19 A Major General HATA, Shunroku was not on duty
20 in the general staff headquarters since August 1931.

21 Q What was his position in March 1931?

22 A I recall that Major General HATA was chief
23 of the first division in March 1931.

24 Q Then he was succeeded was he not by TATEKAWA
25 in August?

KAWABE

CROSS

A That is how I recall it.

1 THE PRESIDENT: Well, this is a convenient
2 break. We will adjourn until half past one.

3 (Whereupon, at 1200 a recess was
4 taken.)
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AFTERNOON SESSION

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Comyns Carr.

- - -

TORASHIRO KAWABE, called as a witness
on behalf of the defense, resumed the stand and
testified through Japanese interpreters as follows:

CROSS-EXAMINATION

BY MR. COMYNS CARR (Continued):

Q Is General TATEKAWA still alive?

A I have heard that he has died.

Q Is Colonel IMAMURA still alive?

A I have heard that Colonel IMAMURA is somewhere
in the Southern Region.

Q He would know much more about the matters to
which you have testified than you would, wouldn't he?

A Yes, I should think so.

Q Do you remember General TATEKAWA being sent
to Mukden shortly before the 18th of September?

A Yes, I do.

Q Were you told why he was sent?

A Shortly after Major General TATEKAWA left
Tokyo I asked Colonel IMAMURA, my section chief, where

KAWABE

CROSS

1 he went and why he went. Colonel IMAMURA's explanation
2 in response to my question was as follows: Colonel
3 IMAMURA said that as a result of the acute aggravation
4 of the atmosphere as regards Japanese-Chinese relations
5 in Manchuria recently are concerned -- In view of the
6 fact that Chinese-Japanese relations were extremely
7 acute and aggravated recently in Manchuria, various
8 rumors based upon such situations were reaching the
9 higher authorities of the army and as Colonel IMAMURA
10 explained to me, General TATEKAWA was sent to see the
11 actual situation in Manchuria as the Kwantung Army saw
12 it and also to listen to the views and opinions of the
13 Kwantung Army itself, and at the same time to commun-
14 icate to the Kwantung Army the views as well as ideas
15 entertained by the Central Army Authorities.

16 Q Let us try to make this a little more defin-
17 ite. Do you not know that what you have called
18 "various rumors" was a report from the Japanese Consul
19 in Mukden that the Kwantung Army was plotting to bring
20 about an incident which would start war in Manchuria?

21 A I know nothing at all about that telegram.

22 Q And do you not know that the message which
23 General TATEKAWA was ordered to deliver was an order
24 from the Emperor that they should do nothing of the
25 kind?

KAWABE

CROSS

1 A I have not heard at all to such an effect.

2 Q Do you know that General TATEKAWA failed to
3 deliver the message?

4 A I heard of it later.

5 Q Then what did you hear was the message which
6 he had failed to deliver?

7 A That question is not quite clear to me.

8 Q What was the message which you were told
9 that he had failed to deliver?

10 A Yes, generally in its outline.

11 Q I am afraid I don't understand your answer.
12 Do you mean that the message was as I put it to you:
13 an order from the Emperor that the Kwantung Army
14 should not start an incident in Manchuria?

15 A No.

16 Q Then what do you mean?

17 A Then I shall explain in some detail. As I
18 heard of it and I have spoken of this before is that
19 Major General TATEKAWA was dispatched to Manchuria to
20 become acquainted with the actual situation existing
21 there through the Kwantung Army and also to communicate
22 to the Kwantung Army the policies and aims of the
23 Central Army Authorities, which was at that time based
24 upon prudence in the light of the international situa-
25 tion.

KAWABE

CROSS

1 Q That still doesn't answer my question. What
2 was the message which you told me just now that
3 General TATEKAWA failed to deliver?

4 A That was the intention of the Central Army
5 Authorities of which I have spoken.

6 Q What was that intention?

7 A As I have said before, to communicate to
8 the Kwantung Army the policies and aims of the Central
9 Army Authorities to think and to act prudently in order
10 to prevent any unnecessary international troubles and
11 controversies.

12 Q Who told you about all this?

13 A Colonel IMAMURA.

14 Q When?

15 A As I have said before, it was after Major
16 General TATEKAWA left Tokyo so I think it was around
17 the 16th or 17th of September. I do not know correctly
18 which.

19 Q But you know you told me that he said that
20 General TATEKAWA had failed to deliver the message.
21 He could not have known that until after the 18th of
22 September, could he?

23 A Yes, and that is why I told you a little
24 while ago that I heard of this later.

25 Q When is later -- when was later?

KAWABE

CROSS

1 A Quite sometime later. That was after
2 General TATEKAWA had returned to Tokyo.

3 Q Did he tell you why General TATEKAWA failed
4 to deliver the message?

5 A When General TATEKAWA arrived in Manchuria
6 the incident had broke out and it was only from an
7 historical point of view or as a piece of history
8 that I heard that he had no opportunity to deliver
9 that particular instruction inasmuch as an entirely
10 new situation had already developed -- that is, the
11 Manchurian Incident had already broken out.

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1 Q Don't you know that he arrived there be-
2 fore the incident broke out?

3 A From what I have heard he arrived there on
4 that very night.

5 Q And in time to deliver the message if he
6 had wanted to?

7 A I am not familiar with those details; nor
8 have I any recollections.

9 Q Do you know who appointed or chose General
10 TATEKAWA to go on this mission?

11 A I should think it was the Chief of the
12 Army General Staff.

13 Q Don't you know it was General KOISO?

14 A No, I do not know. However, at the present
15 moment I would imagine that General KOISO would have
16 no authority to direct the First Division Chief of
17 the General Staff Headquarters to go on such a
18 mission because KOISO was then Chief of the Military
19 Affairs Bureau of the War Office.

20 MR. COMYNS CARR: I understand that Major
21 Moore has a correction to make in the translation
22 of this witness's affidavit. Perhaps it would be
23 convenient if he makes it before I go any further.
24

25 THE PRESIDENT: Major Moore.

LANGUAGE ARBITER (Major Moore): Mr. President,

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CROSS

1 with the Tribunal's permission we present the
2 following language correction in the document
3 under consideration, exhibit 2408, page 18, line 2:
4 Substitute "incidentally" for "because of
5 this."

6 THE PRESIDENT: Yes, Mr. Comyns Carr.
7 BY MR. COMYNS CARR (Continued):

8 Q Were not KOISO and TATEKAWA great friends?

9 A Yes, it seemed that they were friends.

10 Q Would it be correct to say that KOISO
11 recommended TATEKAWA to General MINAMI as the man
12 who should go?

13 A Because of my rank at that time and being
14 unfamiliar with the details, it is difficult for me
15 to reply either "yes" or "no."

16 Q Would not that same remark apply to a
17 great many things that you have stated in your
18 affidavit?

19 A It is rather difficult for me to understand
20 that present query. Do you mean to say, Mr. Prosecu-
21 tor, that most of the things that I state in my
22 affidavit are ambiguous?

23 Q No, I mean to ask you whether many of the
24 things that you state in your affidavit are not
25 things which you do not really know?

KAWABE

CROSS

1 A In my affidavit I have stated with re-
2 spect to things which I have heard I have said so;
3 with respect to what I did I state that I did so;
4 with respect to what I know I say I know; and with
5 respect to what I do not know I say I do not know.

6 Q Would it be true to say that TATEKAWA did
7 not deliver the message because it had been
8 arranged between him and KOISO that he should not
9 deliver it?

10 A The question is directed to something
11 with which I am without knowledge, and therefore
12 I cannot reply.

13 Q Was something of the kind amongst the
14 things that you were told afterwards by IMAMURA?

15 A No.

16 Q Well, now, I want to come to page 8 of your
17 affidavit, where you describe what happened on the
18 morning of the 19th of September. You say in the
19 middle of the page: "Around nine o'clock Section
20 Chief IMAMURA came to me with a happy look and
21 showed me a slip of paper on which several lines
22 of characters were written in pencil and said,
23 'The Vice-Chief of the General Staff (Lieutenant
24 General NINOMIYA), Chief of the Military Affairs
25 Bureau of the Army (Lieutenant General KOISO) and

KAWABE

CROSS

1 others reached this resolution after a deliberate
2 investigation from this morning." And you go on:
3 "The slip of paper read: 'Actuated by this in-
4 cident, the army expects to solve the Manchurian
5 problem.'"

6 Are those the words that were put on the
7 slip of paper?

8 A The last words were not written on the slip
9 of paper.

10 Q Exactly what was written on the slip of
11 paper?

12 A I mean to say that it was written on the
13 slip of paper that actuated by this incident the
14 army expects to settle the Manchurian problems,
15 and by that is meant that efforts will be made
16 and that it was expected that Chang Tso-lin would
17 fulfill the treaties, that is the present treaties
18 between Japan and China.

19 Q Are you swearing that the words were
20 written on the slip of paper from "by that is
21 meant" onwards?

22 A Yes.

23 Q Where is the slip of paper?

24 A At present? Are you asking where that
25 slip of paper is at present?

KAWABE

CROSS

1 Q Yes.

2 A After I had copied what was written on
3 this slip of paper into my secret operations diary
4 I destroyed it.

5 Q Where is your secret operations diary?

6 A I do not know where it is at the present.
7 I do not think it exists. It is not my personal
8 diary -- it was not my personal diary.

9 Q When did you last see it?

10 A I was separated from that diary when I
11 left the Army General Staff Headquarters in
12 January, 1932. That is the last I know of it.
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Q Have you made any attempt to find it to refresh your memory?

A No.

Q Now I suggest to you that the words explaining what is meant by "solving the Manchurian problem" cannot have been written on the slip of paper.

A That was written on the slip of paper.

Q Why should anybody write down a statement on the slip of paper and then write down what it meant?

A These words were actually written on the slip of paper. That is a fact. Whether it is wise or good practice or what you might say -- or reasonable to use such an expression or not, well, I have views of my own; and my views are that this expression was used in order to make more concrete the rather abstract statement with reference to the settlement of the Manchurian problem.

Q Is not that explanation something that you have thought of recently for the purpose of your evidence?

A That is merely suspicion on your part; and I am speaking from my own conscience that it was a fact.

Q Had it not for a long time been the intention

KAWABE

CROSS

1 of General TATEKAWA and others on the army staff
2 to solve the Manchurian problem by occupying
3 Manchuria?

4 A No.

5 Q And was it not perfectly well known to
6 all of you in the army staff that that was what
7 was meant by "solving the Manchurian problem"?

8 A That is not so.

9 Q And was not that why Colonel IMAMURA had
10 a happy look?

11 A Shall I explain what I meant by a happy
12 look?

13 Q If you like.

14 A On the morning of the 19th of September
15 when everything was humming -- was hummingly busy
16 I knocked at the door of the office in which Colonel
17 IMAMURA was located. It was a time when there was
18 a great deal -- a mountain of business to be done
19 and the happy look on his face reflected his joy
20 over the fact that the high authorities of the army
21 had decided -- or had finally come to a decision.

22 Q How long did it take them?

23 A I did not state because I did not know when
24 the particular conference was started. As I have
25 stated in the affidavit, I arrived at the General

KAWABE

CROSS

1 Staff Headquarters at seven o'clock in the morning
2 and it was about nine o'clock -- and until nine
3 o'clock or thereabouts I was unable to meet my
4 Section Chief.

5 Q You go on to say that Colonel IMAMURA
6 told you the leaders fell in with the view that
7 the actions of the Kwantung Army were admissible
8 as exercising the right of self-defense. Did he
9 tell you what information they had which brought
10 them to that conclusion?

11 A That I have not asked Colonel IMAMURA for
12 explanation.

13 Q Now on page 14 you mention self-defense
14 again in connection with the bombing of Chinchou.
15 You say that the planes --

16 THE MONITOR: Can you give us the section,
17 Mr. Carr? I think it gives the sub-division, 4, 5,
18 etc.

19 MR. COMYNS CARR: It is VII, sub-division 4.

20 THE MONITOR: On page 14?

21 MR. COMYNS CARR: On page 14 of the English.
22 It begins the bottom of page 13 of the English, but
23 I am reading on page 14.

24 THE MONITOR: Yes, all right, sir.
25

KAWABE

CROSS

1 BY MR. COMYNS CARR (Continued):

2 Q You say that planes -- Japanese planes were
3 reconnoitering on October 8th. Then you go on:

4 "In the midst of their reconnoitering action,
5 however, they received fire from the ground and the
6 air unit which was carrying bombs of 10 kilogram
7 or thereabouts, (about the caliber of mountain
8 artillery shells) for self-defense purposes, ..."
9 I stop there.

10 Will you explain to us why an airplane
11 carries bombs for self-defense?

12 A We learned from a report of the Kwantung
13 Army headquarters that when aircraft units of the
14 Kwantung Army went on reconnaissance they received
15 fire from the ground and in retaliation and for
16 self-defense, as the report stated, they used the
17 bombs which they had been carrying and that was
18 interpreted by those on the receiving end of the
19 report that it was an act of self-defense.

20 Q This time you say "retaliation and self-
21 defense." Why did you leave out "retaliation" before?

22 A Well, why, I couldn't say, but I will have
23 to admit that I forgot about it.

24 Q It could only be for offense or for retalia-
25 tion, couldn't it?

KAWABE

CROSS

1 THE MONITOR: Mr. Carr, when you said
2 "it could only be," you mean carrying of the bombs
3 in the plane, is that what you mean?

4 MR. COMYNS CARR: Yes.
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1 A I think this goes into the realm of general
2 theory, but retaliation could be considered as self-
3 defense, and carrying arms for purposes of self-
4 defense enables that party to carry out a retalia-
5 tory act. It is purely a matter of theory, I think.

6 Q Carrying bombs also enables them to carry
7 out an offensive action, doesn't it?

8 A Yes.

9 Q Now, on page 15, second paragraph in the
10 English, being part of sub-paragraph 5 of the same
11 section, you speak of "repeated violence along the
12 South Manchurian Railroad by bandits who maintained
13 their base at Chinchou."

14 A A little earlier you told us that Chinchou
15 was the military base of Chang Hsueh-liang. Do
16 you mean that Chang Hsueh-liang's forces were ban-
17 dits?

18 A No, I regard the Chang Hsueh-liang army
19 as a regular army.

20 Q Well, then, what led you to believe that
21 these people that you speak of, with a base at Chin-
22 chou, were bandits?

23 A I heard the report, and my statement is
24 based on this report that there were bandits active
25 in that area who were being manipulated by Chang

KAWABE

CROSS

1 Hsueh-liang, with headquarters in Chinchou.

2 Q Is not the truth that the Japanese army
3 described all Chinese forces, when it suited them,
4 as bandits in order to deceive the League of Nations?

5 A No, I don't believe that.

6 Q And are you not describing them as bandits
7 in the hope of deceiving this Court?

8 THE PRESIDENT: I think he is entitled to
9 protection against those observations, Mr. Carr.

10 Q A little lower down you say: "Furthermore,
11 since the middle of December the regular army came
12 out of the vicinity of Chinchou," and so on; and
13 after that you go on to describe a number of other
14 operations, all of which you suggest became necessary
15 for particular local reasons.

16 Do not you know that as soon as General
17 ARAKI became war minister, namely, on the 17th of
18 December, the government, according to him, decided
19 that the army should occupy the whole of the three,
20 Northeastern Provinces and Jehol?

21 A No, I do not know.

22 Q And did not the General Staff, on whose
23 behalf you claim to be speaking, receive an order in
24 writing from General ARAKI to that effect?
25

MR. McMANUS: If it pleases the Court, I

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1 would like to make a personal objection on behalf
2 of the defendant ARAKI, and I request that be
3 heard briefly.

4 If your Honor please, on many occasions dur-
5 ing this trial I suggested to the Court to call the
6 Court's attention to the fact that the interrogator-
7 ies obtained by the prosecution of General ARAKI
8 were complained of by General ARAKI on many occasions
9 as being incorrect. The Tribunal replied on the
10 occasions when I brought this matter before them
11 that General ARAKI would have a chance on his in-
12 dividual phase to make a true and correct statement,
13 according to him.

14 Now it is my contention and objection that
15 the prosecution is endeavoring to test the credi-
16 bility of this witness and other witnesses on this
17 general phase by referring to excerpts from the
18 interrogatories of ARAKI which he claims to be full
19 of errors because of the inadequate translation
20 at the time when they were taken. If your Honor
21 permits the credibility of these witnesses to be
22 tested on these statements, the burden then would
23 fall upon General ARAKI to substantiate every state-
24 ment that these witnesses take during this general
25 phase. The prosecution admitted during the course

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1 of this trial that they permitted General ARAKI
2 to make several voluntary statements and these state-
3 ments were not introduced into evidence by the
4 prosecution at any time during this trial. The
5 only interrogatories which were permitted, or were
6 introduced at least by the prosecution into evi-
7 dence were those that were objected as being in-
8 correct and full of errors. I don't think that at
9 this time the Prosecutor should be permitted to test
10 the credibility of any witness by statements which
11 we claim to be incorrect and full of errors.

12 MR. COMYNS CARR: Your Honor, I have not
13 checked the matter. I am not aware that at any
14 time, either in writing or in this court or in any
15 other way, has the correctness of this admission
16 of ARAKI's in his interrogatories been challenged.

17 I say I was not notified that this point
18 was going to be taken and therefore I have not
19 had the opportunity of checking it; but in any event,
20 in my submission, as long as the evidence is there
21 it stands until corrected on the witness stand by
22 ARAKI, when the Tribunal will have the opportunity
23 of judging between the two statements. Further-
24 more, I am entitled, in my submission, to ask this
25 witness whether the thing did not happen, quite

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1 regardless of whether ARAKI has said so or not.

2 the charge that the United States is in violation of
3 Article 11 of the Charter of the United Nations, that I have
4 said in my statement in this court that after what I read
5 from the report of the United States, I am not sure that it is
6 the United States that is in violation of Article 11. I
7 am not sure of that. I am not sure of that. I am not
8 sure of that. I am not sure of that. I am not sure of that.
9 In my statement in this court, I said that I am not
10 sure of that. I am not sure of that. I am not sure of that.
11 I am not sure of that. I am not sure of that. I am not
12 sure of that. I am not sure of that. I am not sure of that.

13 I am not sure of that. I am not sure of that. I am not
14 sure of that. I am not sure of that. I am not sure of that.
15 In my statement in this court, I said that I am not
16 sure of that. I am not sure of that. I am not sure of that.
17 I am not sure of that. I am not sure of that. I am not
18 sure of that. I am not sure of that. I am not sure of that.

19 I am not sure of that. I am not sure of that. I am not
20 sure of that. I am not sure of that. I am not sure of that.
21 In my statement in this court, I said that I am not
22 sure of that. I am not sure of that. I am not sure of that.
23 I am not sure of that. I am not sure of that. I am not
24 sure of that. I am not sure of that. I am not sure of that.
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1 THE PRESIDENT: I can see nothing wrong with
2 the course you are taking, Mr. Carr. I am unable to
3 follow Mr. McManus' point. Nevertheless, that federal
4 rule is operating in this Court and after what I read
5 from Wigmore today I do not profess to know all about
6 it. I take it he is relying on that federal rule. I
7 can think of nothing else that could be invoked. That
8 rule has been responsible for an avalanche of appeals
9 in America and the American bar are trying to get rid
10 of it. However, we must hold that you are entitled to
11 ask that question.

12 BY MR. COMYNS CARR (Continued):

13 Q Then, General, were the general staff informed
14 in the second part of December, 1931, that the govern-
15 ment had decided that all Manchuria, including Jehol,
16 should be occupied by the Kwantung Army?

17 A With respect to that I should like to state
18 as follows: The first point is that there was a
19 cabinet change in Japan about that time and just after
20 the change of cabinet I accompanied the former War
21 Minister, General MINAMI, on a trip to Manchuria and
22 returned only in the middle part of the following
23 January so I am not familiar -- I don't have any
24 factual familiarity with the conditions in my absence.
25 That is point one. And the second point is that I have

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1 never heard of it after I returned from this trip.
2 And shortly after my return I was transferred to
3 another post and even after that I have never heard
4 of that. That is all.

5 Q Now, I will return to the earlier part of
6 your affidavit, pages 2 and 3, where you speak of a
7 plan for operations against the U.S.S.R. You say
8 that --

9 THE MONITOR: Please give us the section,
10 Mr. Carr. We would like to quote the exact words.

11 MR. COMYNS CARR: I am not going to quote
12 any particular words. It doesn't matter.
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1 Q (Continuing) You say that such a war was
2 not expected, and, then, on page 4 -- this time I
3 will quote a few words -- section 3, first paragraph
4 you said:

5 "Troop Disposition Plans of the Central
6 Command at the time.

7 "As the Central Command had taken a national
8 defense outlook, as stated in the previous section,
9 their troop disposition plans were fundamentally
10 very passive. They did not have any plans made to
11 fight against several countries at the same time,
12 but only a plan of troop disposition to fight singly
13 with China, the U.S.A. or with the U.S.S.R. respective-
14 ly" --

15 In the spring of 1931 did not the General
16 Staff have a survey made secretly of Manchuria with
17 a view to operations against the U.S.S.R.?

18 MR. WARREN: If the Tribunal please, we
19 wish to object to counsel reading parts of a sentence.
20 If he wishes to refresh the witness' memory as to
21 what he said, we feel he should read the entire
22 sentence and give the witness the benefit of the
23 entire thought.

24 THE PRESIDENT: If the thought is expressed
25 in more than one sentence, yes; but is it?

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1 MR. COMYNS CARR: In this case, your Honor --
2 your Honor, I stopped where I did because the rest
3 of the sentence is irrelevant for the purpose of which
4 I was going to use it. But, if my friend wishes it,
5 I have no objection to read the rest.

6 THE PRESIDENT: Read along.

7 MR. COMYNS CARR: It goes on afterwards, I
8 read:

9 "-- or with the U.S.S.R. respectively,
10 based on the fact that if, in the event that war
11 should break out for one reason or another, they
12 had expected their opponents to be limited to but one
13 nation by the use of political or diplomatic measures."

14 I better repeat my question.

15 Q (Continuing) In the spring of 1931 did not
16 the General Staff cause a survey to be made of Manchuria
17 and Korea from the point of view of operations
18 against the USSR?

19 THE MONITOR: By "survey" did you mean land
20 survey or investigation of everything?

21 MR. COMYNS CARR: Investigation.

22 A The General Staff Headquarters has continuous-
23 ly conducted investigation on the basis of various
24 information received by it.

25 THE PRESIDENT: We will recess for fifteen
minutes.

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1 (Whereupon, at 1445, a recess
2 was taken until 1500, after which the
3 proceedings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Because the Supreme Com-
4 mander has proclaimed that Monday shall be a
5 holiday, called Army Holiday, the Tribunal, by a
6 majority, has decided to observe Monday as a holiday.

7 Mr. Comyns Carr.

8 MR. COMYNS CARR: I am now proposing to
9 refer the witness to prosecution exhibit 691-A, of
10 which, I think, copies have been supplied to the
11 members of the Tribunal.

CROSS-EXAMINATION

12
13 BY MR. COMYNS CARR (Continued):

14 Q Do you remember Colonel SUZUKI, Shigeyasu?

15 A Yes, I do.

16 Q Do you remember his making a report on the
17 16th of March, 1931, of an investigation he had
18 made in Manchuria with a view to possible operations
19 against the Soviet Union?

20 THE PRESIDENT: Mr. Comyns Carr, I think
21 that the Tribunal does not desire that you should
22 put to this witness matters from that report, unless
23 there is a fair chance that you are likely to get
24 answers that are favorable to you, and we see no
25 prospect of that. We think it is only a waste of

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1 time, and its only purpose is to remind us that there
2 is such evidence.

3 MR. COMYNS CARR: If your Honor please --

4 THE MONITOR: During the President's
5 remark the witness replied "I do not know."

6 Q Immediately after you left the general staff
7 did you become a military attache to the embassy
8 in the Soviet Union?

9 A Yes.

10 Q And did you write on the 14th of July 1932
11 to Tokyo and report with regard to military opera-
12 tions against the Soviet Union?

13 A Yes, I did.

14 MR. COMYNS CARR: Might he see the original
15 of exhibit 701, please?

16 (Whereupon, a document was
17 handed to the witness.)

18 Q Is that your report? Or rather, a photo
19 copy of your report?

20 A Yes.

21 Q I will read the first and third paragraphs
22 to the witness. Are you ready?

23 MR. WARREN: If your Honor please, I think
24 this is outside the scope of the direct examination
25 of this witness.

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1 THE PRESIDENT: What is the exhibit, Mr.
2 Carr?

3 MR. COMYNS CARR: It's about plans for war.
4 It is about plans for war against Russia, China, and
5 in certain circumstances, America.

6 THE PRESIDENT: It seems to be in the same
7 field as the affidavit of the witness, and that is
8 a test, according to Mr. Justice McDougall, who
9 understands the Canadian rule.

10 Objection overruled.

11 Q First paragraph.

12 "The exploitation of Manchuria and Mongolia
13 aiming at the guarantee of the nation's economic
14 life, security of our national defense and establish-
15 ing the foundation of existence and progress of our
16 Empire is the urgent need of the present and the
17 most memorable achievement ever known. So the
18 whole nation must exert utmost efforts whole-
19 heartedly."

20
21 Then the third paragraph.

22 "As to the obstacles such as Chinese
23 manoeuvres, restraints by the League of Nations,
24 acts of America and Russia, etc. against the
25 accomplishment of the great task, we should employ
proper diplomacy and endeavor to exclude the

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1 obstacles as well as avoiding making matters worse,
2 but it is necessary for us to be ready to appeal
3 to arms against Russia, China and under certain
4 circumstances against America if it is inevitable.
5 Therefore, the emphasis must be laid on the reple-
6 tion of military armaments against Russia."

7 And then the last paragraph on page 1, the
8 first sentence.

9 "A Russo-Japanese War in the future is un-
10 avoidable."
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1 Q Now, General KAWABE, in your affidavit, the
2 paragraph on page 4 which I read just now, you said,
3 "But all the plans in 1931 were made on the assumption
4 that Japan would only fight one country at a time."
5 Here, less than a year later, you are contemplating
6 war against at least three countries at a time. Had
7 new plans been made in the interval?

8 A Let me reply. In my affidavit I spoke of
9 the general, overall policy or plan in existence prior
10 to September, 1931 as drawn up by the General Staff
11 Office or, in other words, the Army High Command.
12 What is in this document now referred to was written
13 by me a year later as the military attache of the
14 Japanese Embassy in the Soviet Union and represents
15 my personal views based upon the conditions and situ-
16 ations in the Soviet Union as I observed them.

17 The prosecutor has implied or has asked me
18 whether or not such a plan had been changed a year
19 later. Now, I do not know, but it is my assumption
20 that no changes were effected.

21 Q Then you were proposing a change, is that it?
22

23 MR. WARREN: Your Honor, I suggest the time
24 differential takes this outside the scope of the
25 direct examination, an attempt to impeach the witness
on collateral basis.

1 THE PRESIDENT: If it does not arise directly
2 out of the examination in chief, it certainly should
3 be material for testing his credit because it comes
4 from the same field. I do not want to be dogmatic
5 about a rule that I have never applied before and do
6 not understand.

7 MR. WARREN: My objection is based in part
8 on the American rule, your Honor, and in part on a
9 restriction in limitations placed upon defense. In
10 our defense, if I recall correctly, and I am certain
11 I do, we were limited to the test of the credibility
12 of the witness by the scope of the direct examination.
13 We feel that the prosecution should have the same
14 limitations placed upon them as we had upon us in our
15 cross-examination.

16 THE PRESIDENT: The only intimations I have
17 received from my colleagues on this are unfavorable to
18 you, Colonel Warren. My colleagues seem to think that
19 this arises directly out of the examination in chief.

20 MR. WARREN: Under those circumstances, I
21 withdraw the objection.

22 THE PRESIDENT: Mr. Comyns Carr.
23 BY MR. COMYNS CARR (Continued):

24 Q My question was, General KAWABE, were you
25 proposing a change in the plans?

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1 A Yes, I was proposing a change in the plans.

2 Q Would you describe the ideas which you are
3 putting here as defensive plans?

4 THE MONITOR: Mr. Carr, when you say "Would
5 you describe," do you mean, "Would you call it a
6 defensive plan?" or do you mean, "Would you describe
7 the thing?"

8 MR. COMYNS CARR: Oh, no: Would you call
9 it a defensive plan?

10 A Do you mean to ask whether or not the
11 opinions and views which I had addressed to the cen-
12 tral army authorities were defensive?

13 Q Yes.

14 A It is the general national defense formula.

15 Q Now we know what you mean by "defense," and
16 I will leave that.

17 Now, I would ask that the witness be shown
18 prosecution document No. 2979. We have translations
19 for the Tribunal and for defending counsel.

20 THE PRESIDENT: This is not an exhibit?

21 MR. COMYNS CARR: No, your Honor. I would
22 like the witness to see the Japanese original or
23 photostatic copy of it.

24 (Whereupon, a document was handed
25 to the witness.)

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CROSS

1 Q (Continuing) Have you identified those docu-
2 ments as being photostatic copies of instructions
3 which you received in 1932 from the Chief and the
4 Assistant Chief of Staff in Tokyo?

5 A Yes.

6 Q The first page reads:

7 "Instructions Concerning Strategem

8 "You shall receive delegated orders from the
9 military attache of the Japanese Embassy in France
10 and take charge of the execution of the strategem.
11 You shall read the instructions for strategem given
12 to the military attache of the Japanese Embassy in
13 France which Lieutenant Colonel DOBASHI in your
14 country will show you. In order to let Major KAWAMATA
15 inspect the document in Warsaw, you shall communicate
16 with Lieutenant Colonel DOBASHI and inform Major
17 KAWAMATA of the date he is to come to Warsaw."

18 MR. WARREN: Your Honor, may we have this
19 document offered for identification in order that,
20 if we have to refer back to it later, we may do so?
21 And also, we do not have copies of this document in
22 the courtroom.

23 THE PRESIDENT: I understood Mr. Carr to say
24 that he gave the defense a copy.

25 MR. COMYNS CARR: Yes, I thought it had been

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1 done, your Honor. My friend says it had been taken
2 away again, your Honor.

3 MR. WARREN: This document catches us by
4 surprise, and there are many defense counsel who
5 should like to be informed on this matter to protect
6 their own clients.

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1 MR. COMYNS CARR: Your Honor, I am afraid
2 there is only a limited number of copies, and appar-
3 ently there were only just enough for the Members of
4 the Tribunal. But if one Member of the Tribunal
5 would be so kind as to let the defense have his copy
6 and share with another -- I am sorry to have to sug-
7 gest it, but it would be most convenient.

8 (Whereupon, a document was handed
9 to a defense counsel.)

10 MR. COMYNS CARR: I would point out, however,
11 that as far as my experience goes, we are not under
12 obligation when a document is used in cross-examination
13 to supply copies. We try to do so as a matter of con-
14 venience and courtesy.

15 I quite accede to the suggestion that the
16 document should now be marked for identification, if
17 your Honor pleases.

18 MR. LEVIN: Mr. President, it seems to us
19 that when a document is tendered for identification
20 and is to be referred to, that all defense counsel
21 should have a copy. We might wish to make some
22 reference thereto at some future date. Without it
23 we are unable to perform our function properly.

24 THE PRESIDENT: Well, your course is clear,
25 Mr. Carr, there is no real objection.

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1 MR. COMYNS CARR: Copies can be supplied
2 later. But the Tribunal will appreciate that we only
3 get very short notice of what these witnesses are going
4 to say, and our cross-examination has to be prepared
5 in a great hurry.

6 Then the second -- what is marked as page
7 three of the document, I will read: "Instructions
8 pertaining to Stratagem given to the Military Attache
9 of the Imperial Embassy in France.

10 "(1) In regard to this Stratagem, the
11 Military Attaches of the Imperial Embassy in France
12 shall be given delegated command of the organs in
13 Europe and Turkey.

14 "(2) The Military Attaches of the Imperial
15 Embassy in France shall determine the necessary plans,
16 which is to be based upon the appended Essentials of
17 Stratagem and have it reported by 10 April 1934.

18 "(3) Those which seem relatively important
19 in your plans must be reported simultaneously with
20 the precedent item."

21 I am told that there is a correction in the
22 third paragraph which I just read: It should be "those
23 expenditures which seem relatively important."
24

25 THE PRESIDENT: That appears in our copies.

MR. COMYNS CARR: Yes. Mine wasn't corrected,

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1 your Honor.

2 Page 4, "Essentials of Stratagem.

3 "I. War with the USSR.

4 "1. In peace time, the actual state of com-
5 munication in the Far East carried out by the USSR and
6 the Third--

7 THE PRESIDENT: Communization.

8 MR. COMYNS CARR: "Communization in the Far
9 East carried out by the USSR and the Third" -- "Inter"
10 is inserted, which somebody has interpreted has
11 "Comintern" -- "shall be propagandized and the Empire's
12 /TN: Japan's/ situation against the USSR's communizing
13 policy shall be recognized, and thus the basis for
14 reason of a righteous path for war with the USSR will
15 be understood.

16 "2. In order to make the USSR's resources
17 of war impotent as soon as possible after the opening
18 hostilities, the following measures will be carried
19 out:

20 "(1) Independence movement of Ukraine,
21 Georgia, and Azerbaijan shall be supported and those
22 areas shall be disturbed.

23 "(2) Organizations of anti-Soviet Russians
24 who took refuge from the USSR will make contacts with
25 their fellow-men in the USSR, and will breed riots

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1 in the various areas, stir up feeling against war, and
2 plot the destruction of the government of the USSR.

3 "3. If friendly relation with France,
4 Poland, the Little Entente, and the states along the
5 coast of Baltic Sea and Turkey will be maintained,
6 these countries will enforce the measures in the
7 aforementioned article, and will inevitably accord
8 facilities in the enforcement of our stratagem.

9 "II. War with China

10 "By exposing the dark side of atrocities which
11 is contrary to internationalism, and humanitarian,
12 and is peculiar to the Chinese from peace time, and
13 at the same time by making propaganda of such actual
14 matters as debouchment of the communist army, plots
15 and activities of the communist party, the inevitable
16 conditions for protection of interest by arms will be
17 recognized.

18 "5. In order to restrain USSR from participa-
19 ting in war, the measures in Article" -- Has the
20 Tribunal got a number inserted there? My copy hasn't.

21 THE PRESIDENT: No.

22 MR. COMYNS CARR: There probably should be
23 one. "In Article will be enforced if necessary.

24 "III. War with the United States.

25 "In regards to war with United States, Article

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1 5 will be applicable.

2 "IV. Supplementary Provisions.

3 "7. As soon as the opportunity of opening
4 hostilities has become perceptible, the stratagem and
5 intelligence organs in Europe and Turkey are to be
6 enlarged as in supplementary chart.

7 "8. Regarding the enforcement of this plan
8 excepting Articles 1 and 4, only its preparations are
9 to be made in so far as special instructions are not
10 given."

11 Article 1 was the one relating to propaganda
12 in the USSR, and Article 4 was the one relating to
13 preparing the inevitable conditions for protection
14 of interest by arms in China.

15 Then the chart on page 6 shows that organs
16 in almost every -- in a large number of countries
17 within Europe, Asia and South America are to be con-
18 trolled from Paris and from India by the military
19 attaches in those countries.

20 BY MR. COMYNS CARR: (Continued)

21 Q General KAWABE, do you notice that the
22 three countries against whom war is contemplated in
23 this document received from your general staff are
24 the same as those which you had yourself suggested
25 in your letter to them of the 14th of July?

A Yes.

KAWABE

CROSS

1 Q What had occurred since September 1931 to
2 cause this extension of plans?

3 THE MONITOR: Mr. Carr, by "extension of
4 plans" do you mean expansion, or just the carrying
5 on, continuation?

6 MR. COMYNS CARR: Extension.

7 THE INTERPRETER: We are asking, Mr. Carr,
8 whether you mean expanding the plan or continuing the
9 plan?

10 MR. COMYNS CARR: Extending, increasing.

11 A What do you mean? What plan are you referring
12 to since September 1931?

13 Q I am referring to this stratagem which you
14 received from the General Staff in October, 1932, and
15 I am contrasting it with the statement in your affi-
16 davit that in September 1931 you only had plans
17 against one country at a time.

18 A I shall reply on the basis of my understanding
19 of the question if I am not mistaken. My understanding
20 of the question is that before September 1931, there
21 were operational plans existing not against several
22 but one; one nation. And the question is whether or
23 not there was some kind of an occurrence which
24 required the extension of the plan since that date.
25 Am I correct?

1 Q Yes.

2 A As I have said before, the Japanese Army
3 General Staff and the High Command, whether these
4 organs actually had expanded their operational plan
5 or not, that I do not know. However, after one year
6 of observation of conditions in Soviet Russia follow-
7 ing my assignment to that post, I felt certain
8 apprehensions that it would be unfortunate for Japan
9 if her plans were not extended, and for that reason
10 I sent in writing my views and opinions to my superiors
11 in Tokyo; and this is nothing more than the expression
12 of my personal opinion as Military Attache of the
13 Japanese Embassy in the Soviet Union.

14 Q And your superiors adopted your idea, didn't
15 they?

16 A Whether they did or not, I do not know.

17 Q Did you carry out the instructions given you
18 by the Chief of Staff in the document last read?

19 A Do you mean with regard to the plan of
20 stratagem?

21 Q Yes.

22 A Yes, various preparations were forwarded.

23 Q Do you know where they are now.

24 THE INTERPRETER: What I mean by "forwarded,"
25 were pushed forward, not preparations were made.

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1 Q Did they take the form of written plans
2 as requested by the Chief of Staff?

3 A At the orders of the Chief of the Army
4 General Staff, I expressed my opinions and views to
5 the Military Attache, KASAI, in Paris.

6 Q Do you know what became of them?

7 A I do not know.

8 MR. COMYNS CARR: That is all I have to ask,
9 your Honor. But in my submission, as the witness has
10 now identified this document and said that it is the
11 document he received, I ask that it be admitted in
12 evidence.

13 MR. WARREN: We have no objection if there
14 are Japanese copies available, your Honor.

15 THE PRESIDENT: Do you have copies available?

16 MR. COMYNS CARR: Yes, your Honor, we have.

17 THE PRESIDENT: It is admitted on the usual
18 terms.

19 CLERK OF THE COURT: Prosecution document
20 No. 2979 will receive exhibit No. 2409 for identifi-
21 cation only.

22 MR. COMYNS CARR: No -- now for evidence.

23 CLERK OF THE COURT: Will receive No. 2409
24 for evidence.

25 (Whereupon, the document above

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referred to was marked prosecution's
exhibit No. 2409 and received in evidence.)

MR. MATTICE: If the Tribunal please, no
redirect examination, but we desire to make known to
the Tribunal that this witness will necessarily be
recalled in the China phase of the defense presenta-
tion, which is the section following this. And with
that understanding, the witness may be excused at this
time.

THE PRESIDENT: He is at liberty on the
usual terms.

(Whereupon, the witness was excused.)

THE PRESIDENT: It is too late to start on
another witness or another document.

MR. MATTICE: This witness will be used on
behalf of OSHIMA; also, as I understand it, on behalf
of DOHIHARA.

Now, we were ready to call the next witness,
but it is so close to adjournment time I am wondering
whether it is worthwhile to do so.

If your Honor please, some suggestion was
made, Mr. Quillen and I were of the opinion that the
details of the matter of taking the testimony by
commission be determined in chambers, but no arrange-
ment about that has been made as yet. Does your Honor

1 desire that we meet in chambers following adjournment
2 or what is the Court's suggestion?

3 THE PRESIDENT: Prepare a short commission
4 because no oath will be required, the commission being
5 taken by one of the members, and I shall say whether
6 I will approve it or not. I expect you to
7 initiate the matter. We told you, in effect, Mr.
8 Mattice, we wouldn't accept this evidence except on
9 commission. Now, you want that evidence given,
10 you prepare the commission, and I will say whether I
11 approve or not. The drafting facilities of the Court
12 will be available to you. And I will be prepared to
13 revise it as soon as it is ready. You can fix any
14 date that suits you and a Member of the Court will
15 take the commission.

16 MR. MATTICE: That will be very well, if
17 the Court please. I was about to remark that it
18 seems impossible to do it on next Monday. With that
19 understanding, we will--

20 THE PRESIDENT: Because of the location of
21 the hospital, I agree with you, Mr. Mattice.

22 We will adjourn now until 0930 hours on
23 Tuesday morning.

24 (Whereupon, at 1600, an adjournment
25 was taken until Tuesday, 8 April 1947, at 0930.)

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